IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1422 of 2004

Between:

M/s.Ramanand Muralidhar Kakani, rep., by Sri Bhagwandas Kakani,
r/o D.No.15-7-332, Begumbazar, Hyderabad.

..... PETITIONER

AND

1 The Labour Officer, Circle IV,
Anjaiah, Karmika Samskshema Bhavan, Hyderabad.
2 Sri R.nagabhushanam, s/o late Sri R.Ramiah,
r/o D.No.6-1-119/5, Padmaraonagar, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction more in the nature of a certiorari by calling for the records pertaining to I.A.No.2/2003 in S.E.No.12/2002 on the file of the 1st respondent and declare the orders passed by the 1st respondent in the I.A.2/2003 dated 21-11-2003 as arbitrary, illegal, and against the cardinal principles of natural justice and consequently set aside the same in the interest of justice.

Counsel for the Petitioner: MR.A.P.VENUGOPAL

Counsel for the Respondent No 1: GP FOR LABOUR

The Court made the following:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.14222 OF 2004

ORDER:

The petitioner is a respondent in S.E.No.12 of 2002 filed by the second respondent herein before the Authority of the Andhra Pradesh Shops and Establishments Act, 1988 and Labour Officer, Hyderabad-IV (in short Authority), claiming certain compensation, questioning the order of his termination. The second respondent herein also filed I.A.No.2 of 2003 in S.E.No.12 of 2002 before the first respondent to call for the records from the petitioner herein from the year 1977 to 12-9-2002. The records sought to be called for are: attendance register, wages register, bonus register, holidays register, cash book, O.T register, P.F register, E.S.I. register, appointment letter of 1977 and daily transaction of loading and unloading entry book from 1995 to 12-9-2002.

It is the case of the petitioner herein before the Authority is that the above said registers are not available and no separate register is being maintained, cash book and ledgers are also not maintained. It is further stated that as per rules, the said records are not required to be produced before the authority.

After hearing both parties, the first respondent herein passed an order in I.A.No.2 of 2003 in S.E.No.12 of 2002 on 21-11-2003, directing the petitioner herein to produce the records to the extent available after making sincere efforts and at any cost the records to be preserved as per the enactments. Questioning the said order, this Writ Petition has been filed.

The first respondent filed a counter, stating that as per Sub-rule 8 of Rule 29 of Andhra Pradesh Shops and Establishments Rules, 1990,

the petitioner is required to maintain the records for a period of three years from 28-10-2002. The letter of appointment is also required to be produced under Rule 30 of the said rules by the petitioner.

I do not see any illegality in the order passed by the first respondent and he has passed a reasonable order, directing the petitioner herein to produce the records to the extent available after making sincere efforts and at any cost the records preserved as per the enactment. There cannot be any objection for the petitioner herein to produce the records which are to be maintained and preserved as per the enactment. It is not just and proper for the petitioner to question the interim order of the Authority, pending disposal of the main case. If these type of Writ Petitions are entertained, the right of the poor labourers who have approached the authority, seeking justice questioning the termination and consequential benefits will be defeated.

The writ petition is misconceived and accordingly, dismissed. No order as to costs.

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V.ESWARAIAH, J

19th July, 2004.

Shr/Ycr

To

1 The Labour Officer, Circle IV,
Anjaiah, Karmika Samskshema Bhavan, Hyderabad.
2. 2 CCs to GP for Labour, High Court Bldgs., Hyderabad.

3. 2 C.D. copies